

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

THERESA SALAMENO, individually and on  
behalf of the ESTATE OF LAWRENCE SALAMENO,

*Plaintiffs,*

Case No. 1:19-cv-04442-PPG-BCM

- against -

**NOTICE OF MOTION**

BRITTANY RAWLINGS, FASHIONBOSS, LLC, and  
SMARTBOSS INC.,

*Defendants.*

-----X

**PLEASE TAKE NOTICE** that upon the annexed Declaration of Jonathan Davidoff dated June 10, 2021, the Declaration of Brittany Rawlings dated June 10, 2021, the Declaration of Mary Titone dated June 10, 2021, together with the exhibits annexed thereto, and the accompanying Memorandum of Law, undersigned counsel for Defendants, Brittany Rawlings (“Ms. Rawlings”), FashionBoss, LLC (“FashionBoss”), and SmartBoss, Inc. (“SmartBoss”) (collectively, the “Defendants”), will move this Court, before the Honorable Paul G. Gardephe, United States District Judge for the Southern District of New York, at the United States Court House, 40 Foley Square, New York, New York 10007, Courtroom 705, at a date and time to be determined by the Court, for an order, pursuant to Federal Rule of Civil Procedure (“Fed. R. Civ. P.”) 11, imposing sanctions on Plaintiffs, Theresa Salamenno (“Mrs. Salamenno”) individually and on behalf of the Estate of Lawrence Salamenno (“Mr. Salamenno”) (collectively, the “Plaintiffs” or the “Salamenos”), as well as their counsel, Benjamin Allee, Esq. of Yankwitt LLP (“Mr. Allee”), pursuant to 28 U.S.C. § 1927 and this Court’s inherent powers, for bringing this federal action they knew to be baseless, by awarding the Defendants all their attorneys’ fees and costs incurred in defending this action (as well as those expended in their pre-suit research and investigation), that

Plaintiffs be directed to bear the costs of expunging the internet references to this litigation, and that Defendants be granted such other and further relief as the Court deems just and proper.

Dated: New York, New York  
June 10, 2021

Respectfully submitted,

DAVIDOFF LAW FIRM, PLLC

*/s/ JMD*

---

Jonathan Marc Davidoff, Esq. (#JD9157)  
*Attorneys for Defendants*  
228 East 45<sup>th</sup> Street, Suite 1700  
New York, New York 10017  
Tel: 212-587-5971  
Fax: 212-658-9852

MCLOUGHLIN, O'HARA, WAGNER &  
KENDALL, LLP

*/s/ GAK*

---

Glen A. Kendall, Esq. (#GK0285)  
*Attorneys for Defendants*  
250 Park Avenue, 7th Floor  
New York, New York 10177  
Tel: 212-920-6695  
Fax: 917-382-3934

To:

Benjamin Allee, Esq.  
Yankwitt LLP  
140 Grand Street, Suite 705  
White Plains, NY 10601  
*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY this 10th day of June 2021, that a copy of the foregoing Motion for Sanctions was served on counsel for all parties of record via ECF/CM.

*/s/ GAK*

---

Glen A. Kendall, Esq. (#GK0285)